

within twelve months after the death of such infant; and if such non-resident defendant be *non compos mentis*, he may file a bill of review at any time within twelve months after he becomes of sane mind, or his heir or other representative may do so at any time within twelve months after the death of such *non compos mentis*. But the provisions of this section are not to apply to any decree to foreclose a mortgage, or for sale of the mortgaged premises, or to a decree for the sale of real or personal property to pay debts or liens, or to a decree for the partition of any real or personal property, or to a decree for the sale of any real or personal property for the purposes of division.

After a decree has been affirmed on appeal, a bill of review must be founded upon matter discovered since the decree. A distinction drawn between a proceeding under the act of 1795, ch. 88, *before* the decree and *after* it. *Pinkney v. Jay*, 12 G. & J. 69. And see *Burd v. Greenleaf*, 1 Bl. 557.

A bill of review under this section may be filed to decrees of the court of appeals, as well as to those of the lower court. *Lockett v. White*, 10 G. & J. 497 (explained in *Pinkney v. Jay*, 10 G. & J. 69).

Cited but not construed in *Buckingham v. Peddicord*, 2 Bl. 453; *Ethelton v. Dorsey*, 1 Bl. 536.

As to specific performance, see sections 91 and 231.

1904, art. 16, sec. 120. 1888, art. 16, sec. 108. 1860, art. 16, sec. 92. 1797, ch. 114, sec. 3. 1832, ch. 302, sec. 3. 1841, ch. 22, sec. 3. 1853, ch. 38.

127. In all cases where two successive subpoenas against a defendant have been returned *non est*, or upon the return of one subpoena *non est*, and proof by affidavit, that the defendant hath kept out of the way, or secreted himself, to avoid the service of the subpoena, he may be proceeded against as if he were a non-resident. This section to be applicable to corporations as well as other persons.

Ibid. sec. 121. 1888, art. 16, sec. 109. 1860, art. 16, sec. 93. 1853, ch. 38.

128. In a suit against a corporation, whether foreign or domestic, if neither the president nor any of the directors, officers or agents upon whom process may be served reside in this State, such corporation may be proceeded against as a non-resident defendant, by notice by publication.

See art. 23, sections 87 and 92.

Ibid. sec. 122. 1888, art. 16, sec. 110. 1860, art. 16, sec. 94. 1826, ch. 199.

129. Where, in a bill of interpleader, some of the defendants are non-residents, and such non-residents fail to answer, the court may order the answers filed by the other defendants to be taken as the answers of such non-resident defendants, or may as to such defendants direct testimony to be taken; provided, notice of the substance and objects of the bill and answers be given, as in other cases of non-residents. This section to apply to one or more defendants.

Cited but not construed in *Buckingham v. Peddicord*, 2 Bl. 455.

Ibid. sec. 123. 1888, art. 16, sec. 111. 1860, art. 16, sec. 95. 1842, ch. 206, sec. 2. 1892, ch. 637. 1910, ch. 496 (p. 60).

130. In cases where it is unknown whether a non-resident be living or dead the bill may be filed against him as if living, and in cases